IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(Crl.).No. 103 OF 2007(S)

PETITIONER:

SANTHAMMA.S., W/O.SASI.K.G.,
AGED 51 YEARS, PERUMBRAMALIL HOUSE,
THIRUMENI P.O., CHERUPUZHA, KANNUR (VIA).

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
PALA.

2. RAGHUNATHAN, MILLENIUM MAHARAJA
FOOD SPECIALITY (P) LTD., NO.41,
KODUVALLI VILLAGE, POOTCHI, ATHIPEDU,
CHENNAI-52.

3. VIJAYAKUMAR.R., ACCOUNTANT,
MILLENIUM MAHARAJA FOOD SPECIALITY (P) LTD.
NO.41, KODUVALLI VILLAGE, POOTCHI, ATHIPEDU,
CHENNAI-52.

BY ADV. SRI.K.P.PADMANABHAN

R1 BY ADDL. D.G.P. SRI. V.K. MOHANAN.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY, DELIVERED THE FOLLOWING:

WP(CRL) 103/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 A TRUE COPY OF REPRESENTATION DATED 24.4.2007.

EXT.P2 A TRUE COPY OF RECEIPT DATED 25.4.2007.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.

W.P.(CRL) NO. 103 OF 2007

DATED THIS, THE 7TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner is one Santhamma, wife of Sasi. It is alleged in the writ petition that her second daughter Bijimol who is aged 24 years, was working as a helper in 'Ann's House of Sweets' near the Cathedral, Pala. She came to the petitioner's house for Vishu and thereafter on 16.4.2007 she is stated to have gone to Pala. According to the petitioner, usually, Bijimol used to telephone her on reaching the destination; but she did not do so on 16.4.2007 and as a result, she entertained a suspicion as to whether she has reached the work place or not. On enquiry with the employer of Bijimol, she came to know that Bijimol has not reached her work place at Pala. It is further alleged that petitioner's daughter telephoned her after two days and informed that she is taken to Chennai by the second respondent promising better employment and that he is an agent of sex racket and the petitioner's daughter is illegally detained.

2. This court, on 24.5.2007, recorded the submission made by the learned Additional Director General of Prosecution that steps are taken to

trace out the girl. The case was adjourned to 8.6.2007. Today, the learned Additional Director General of Prosecution sought permission to produce the girl who has been traced out. Notice of this has been given to the learned counsel appearing on the other side also. Both sides were present.

3. The alleged detenue Bijimol appeared before us. On interaction with her, she submitted that she is a free person, that she went to Madras on her own accord and she is not under the illegal custody of anybody as alleged in the writ petition. She further stated that after her stay at home, she did not return to Pala; but went to Madras for better avenues and that she had been in Madras earlier where she has better contact. She further submitted that she did not inform her mother that she is going to Madras because her mother will not permit her to go there. At the same time, she states that she wants to go Madras and to work with the second respondent.

4. The learned Additional Director General of Prosecution also submitted that Bijimol was produced before the Judicial Magistrate of First Class, Ettumanur, yesterday and she was set free. In the above facts and circumstances, we do not find that she is under the illegal custody of the

second respondent as alleged in the writ petition.

Accordingly, the writ petition is closed.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-